HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 19910 of 2007

Dated: 29-10-2007

Between:

Gaddam Rajesham

..... PETIT

AND

Special Collector,
Land Acquisition Department,
Tarnaka, Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 19910 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to direct respondent No.2 to refer the dispute relating to payment of compensation in respect of Ac.9.32 guntas of land in Sy.No.161, Acs.12.38 guntas in Sy.No.198 and Acs.3.33 guntas in Sy.No.199 of Vemnoor Village Sivar, Ramagundam Mandal, Karimnagar District under Section 30 of the Land Acquisition Act, 1894 (for short 'the Act') to a competent civil Court and for a consequential direction to respondent No.2 not to disburse the compensation amount in favour of respondent No.3 and others.

Heard Sri Ganta Ramakrishna, learned counsel for the petitioners and the learned Assistant Government Pleader for Land Acquisition.

At the hearing, learned Assistant Government Pleader stated that two separate awards were passed on 31-03-2007 and 02-02-2007 and in view of the interim directions granted by this Court under Award Nos. 5 of 2006-2007 and 15 of 2006-2007 respectively, the amount of compensation was deposited in PWD deposit in the month of March, 2007. Under Section 30 of the Act, where the Land Acquisition Officer passes an award under Section 11 of the Act, if any dispute arises as regards the apportionment of the amount of compensation or where a dispute arises as to persons to whom the same or any part thereof is payable, the Collector may refer such dispute to the decision of the Court.

Though, notice was served on respondent No.3, no one has entered appearance on his behalf. From the averments contained in the affidavit, I am satisfied that the petitioner made a bona fide claim to the compensation awarded by the Land Acquisition Officer. Since the requirement of Section 30 of the Act is satisfied, respondent No.2 is directed to refer the dispute to the competent civil Court within a period of six weeks from the date of receipt of a copy of this order.

Subject to the above observations, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date: 29-10-2007
KLP